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★ DEC 17 2019 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

In re: RESTASIS (CYCLOSPORINE
OPHTHALMIC EMULSION) ANTITRUST
LITIGATION

18-MD-2819 (NG) (LB)

RD 12/18/19
AMH

This Document Relates To:
All Actions

**JOINT STIPULATION AND ~~PROPOSED~~ ORDER TO REVISE DEADLINES FOR
SERVING MERITS EXPERT REPORTS**

WHEREAS, pursuant to the October 17, 2019 Joint Stipulation and Order to Extend Deadlines for Serving Merits Expert Reports (the "October 17 Stipulation"), the parties agreed that, except for Allergan's rebuttal to the EPP Damages Report and Craft Merits Report, "Allergan's deadline to serve its merits expert reports" is "November 8, 2019," and "[a]t the time of service, Allergan shall offer plaintiffs two alternative dates for deposition of its expert witness . . . with such dates being between November 18 and December 16";

WHEREAS, pursuant to the October 17 Stipulation, the parties further agreed that, except for the EPP Damages Report and Craft Merits Report, "[p]laintiffs deadline to serve their rebuttal merits reports" is "December 20, 2019 . . ." and that "[a]t the time of service of the rebuttal merits reports, plaintiffs will provide at least two dates in January and/or February 2020 of availability of each served expert's deposition";

WHEREAS, Allergan served the expert report of Dr. Sumanth Addanki on November 8, 2019 and offered November 18 or 19, 2019 for deposition;

WHEREAS, Allergan served the expert report of Dr. Bruce Burlington on November 8, 2019 and offered December 9 or 10, 2019 for deposition;

WHEREAS, plaintiffs were unable to take the depositions of Drs. Addanki and Burlington on the offered dates and the parties were unable to identify alternative dates between November 18, 2019 and December 16, 2019 for such depositions;

WHEREAS, the parties have agreed that Dr. Addanki will be deposed on December 18, 2019 and Dr. Burlington will be deposed for a half day on December 20, 2019; and

WHEREAS, Plaintiffs seek additional time for certain of their experts to incorporate any additional information obtained at the Addanki and Burlington depositions;

IT IS HEREBY STIPULATED AND AGREED, subject to the Court's approval, that:

1. Plaintiffs shall serve their rebuttal reports, as previously scheduled, on December 20, 2019, except for the report of Dr. Leffler (and the EPP Damages Report and Craft Merits Report, which are subject to a different schedule).

2. The time for Retailer Plaintiffs to serve a rebuttal report from Dr. Leffler shall be extended until December 27, 2019;

3. Plaintiffs shall have until December 27, 2019 to serve supplements to the reports of Uwe Christians, Todd Clark, David Kessler and/or Roger Williams responding to the testimony provided by Dr. Burlington at his deposition, with each such supplement not to exceed eight pages; and

4. The depositions of Leffler, Clark, Kessler, and Williams will be scheduled for a date on or after January 20, and the deposition of Christians will be scheduled for a date on or after January 17.

Dated: December 16, 2019

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[PROPOSED] ORDER

SO ORDERED this 17th day of December 2019.

/s/ *Nina Gershon*
HONORABLE NINA GERSHON
UNITED STATES DISTRICT JUDGE